

Notice → Motion to Consolidate
Posted to
2005-180-C
&
2003-254-C



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

POSTED
JUN 9 2005 6:38 PM

SC PUBLIC SERVICE
COMMISSION
2005 JUN -9 PM 12:16

RECEIVED

June 9, 2005

VIA HAND DELIVERY

Charles Terreni
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Office Park
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

2005-180-C

Re: South Carolina Electric & Gas Co. v. Aiken Electric Cooperative, Inc.
SGSL No.: 5793/1501

Dear Mr. Terreni:

I am filing with the Public Service Commission an original and ten copies of the Notice and Complaint in the above-referenced matter. Please return one copy, clocked in, to me via our courier. I am also filing an original and ten copies of a Motion to Consolidate Docket No. 2003-254-E with this Complaint and likewise request that one copy of the Motion, clocked in, be returned to me via our courier. On August 27, 2003 South Carolina Electric & Gas Co. filed a Complaint with the Commission involving the same parties and the same issue as the Complaint I am filing today. The Commission assigned Docket No. 2003-254-E to the 2003 Complaint, but in almost two years has failed to take any action on that Complaint. Because of the continuing nature of Aiken Co-op's violation of the Commission's regulations in both of these matters, SCE&G requests that the Commission set both Complaints for hearing as soon as possible.

By copy of this letter I am serving all parties with the Motion to Consolidate.

Thank you for your assistance in this matter.

Sincerely,

Robert E. Tyson, Jr.

RETjr:alw
Enclosure

cc: C. Dukes Scott, Executive Director
South Carolina Office of Regulatory Staff (w/enclos)
Val H. Stieglitz, Esquire
James B. Richardson, Jr. Esquire
Patricia B. Morrison, Esquire

Robert E. Tyson, Jr.
rtyson@sowell.com
DD 803.231.7838

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-254-E

IN RE:

South Carolina Electric & Gas Co.,)
)
Complainant,)
-vs-)
)
Aiken Electric Cooperative, Inc.,)
)
Defendant.)
_____)

**MOTION TO
CONSOLIDATE**

I. FACTS

1. On August 27, 2003 South Carolina Electric & Gas Co. ("SCE&G") filed a Complaint with the Commission alleging that Aiken Electric Cooperative, Inc. ("Aiken Co-op") had violated Commission Regulation R. 103-304(1) in that Aiken Co-op was in the process of constructing a new electric distribution line through SCE&G's assigned territory north of the Town of Swansea without seeking or receiving approval from the Commission prior to commencing the construction.

2. In its Complaint, SCE&G requested that the Commission issue an Order requiring Aiken Co-op to cease and desist from constructing the new electric distribution line and to remove those portions of the line it had already constructed in violation of the Commission's regulations.

3. The Commission assigned Docket No. 2003-254-E to SCE&G's Complaint and served a copy of the Complaint upon the defendant, Aiken Co-op. On October 3, 2003, the Co-op filed with the Commission its answer to the Complaint. Despite requests by attorneys for SCE&G and Aiken Co-op that the Commission

schedule a hearing in Docket No. 2003-254-E, the Commission has taken no action whatsoever in the matter.

4. SCE&G is filing another complaint with the Commission June 9, 2005 alleging another violation of Commission Regulation R. 103-304(1) by Aiken Co-op with its construction of a new electric distribution line through SCE&G's assigned territory east of the Town of Monetta without seeking or receiving approval from the Commission prior to commencing construction.

5. Aiken Co-op's actions described in SCE&G's Complaint filed today are the same type of willful violation of R. 103-304(1) that formed the basis of SCE&G's August 2003 Complaint.

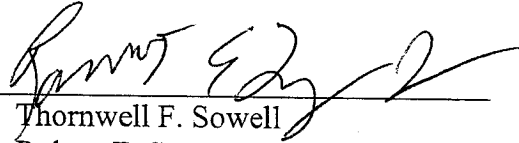
6. Judicial economy would be served by a consolidation of Docket No. 2003-254-E with the Complaint filed today.

II. RELIEF

7. SCE&G requests that the Commission consolidate the proceeding in Docket No. 2003-254-E with the proceeding instituted for the Complaint SCE&G has filed with the Commission on this date and immediately schedule both matters for hearing at the earliest possible date.

SIGNATURES BLOCK ON FOLLOWING PAGE

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 

Thornwell F. Sowell
Robert E. Stepp
Robert E. Tyson, Jr.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

-and-

Patricia Banks Morrison
SCANA Services, Inc.
Legal Dept., Mail Code 130
1426 Main Street
Columbia, SC 29218
(803) 217-7880

Attorneys for Complainant South Carolina
Electric & Gas Co.

Columbia, South Carolina
June 9, 2005

South Carolina Electric and Gas Co.)
Complainant,)
vs.)
Aiken Electric Cooperative, Inc.)
Defendant.)

I, the undersigned employee of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for South Carolina Electric & Gas Company do hereby certify that I have served a copy of the pleading(s) hereinbelow specified via regular mail or hand delivery as indicated to the following address(es):

Amy Wyatt

June 9, 2005